

REMARKS

Claim 1 has been amended. Claims 4 and 72 have been canceled without prejudice. Claims 1-3 and 71 are pending in the present application. Entry of the amendments, and reexamination and allowance of the pending claims are respectfully requested.

Claim 1 has been amended to include the limitations of claims 4 and 72. Thus, claim 1 now recites, among other limitations, that:

1. The interconnecting pieces are fabric;
2. Each of the first and second panels has a sleeve extending along the outer peripheries thereof for retaining the respective frame member; and
3. The interconnecting fabric pieces couple the first and second end edges of the sleeve of the second panel to the sleeve of the first panel.

Price

Claims 1-4 and 71-72 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,676,168 to Price ("Price"). This rejection is respectfully traversed.

Applicant respectfully submits that Price does not teach or suggest that the interconnecting pieces are fabric. For example, the connector 26 is made of aluminum, metal, composites or plastic. See column 4, lines 10-12.

In addition, Price does not have any interconnecting fabric piece that couples the sleeve of one panel to the sleeve of another panel.

In light of the above, claim 1, and claims 2-3 and 71 depending therefrom, are submitted to be allowable over Price.

McLeese and Chin

Claims 1-4 and 71-72 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. Des. 341,407 to McLeese ("McLeese") in view of U.S. Patent No. 5,592,961 to Chin ("Chin"). This is a new rejection, and is respectfully traversed.

The Examiner acknowledges that McLeese does not teach "the opposite end edges of the second upper panel each being coupled to the outer periphery of the first base panel by an interconnecting piece that causes the end edges of second upper panel [to be] spaced apart and extending beyond the outer periphery of the first base panel." To compensate for this deficiency in McLeese, the Examiner cites Chin as disclosing an upper panel 14 and lower panels 12 where the opposite edges of the upper panel 14

extend outside the edge of the lower panels 12 via interconnecting pieces (see FIG. 6 of Chin).

Applicant respectfully submits that McLeese and Chin cannot be combined because their respective teachings would not lead a person skilled in the art ("the skilled person") to the structure claimed in claim 1.

First, the pieces labeled (H) by the Examiner in McLeese (see attachment from earlier Office Action) cannot correspond to the claimed first and second interconnecting pieces because the pieces (H) do not couple the end edges of the second (upper) panel to the outer periphery of the first (base) panel. As best shown in FIGS. 1 and 2 of McLeese, the pieces (H) couple the side edges of the upper panel to the outer periphery of the base panel. In addition, the end edges of the upper panel in McLeese are rounded at a curved point (see FIG. 2), so it would not be practical or feasible to couple an interconnecting piece to the end edge of the upper panel since one would then have a very thin piece of material that connects the rounded end edge of the upper panel to the outer periphery of the base panel. The very thin piece of material would break because it could not support the forces between the upper panel and the base panel. Thus, this configuration (i.e., the location of the pieces H and the shape of the end edges of the upper panel) ensures that the end edges of the upper panel cannot extend beyond the outer periphery of the base panel. **Most importantly, the curved nature of the end edges in McLeese make it virtually impossible to attach interconnecting fabric pieces between the end edges of the sleeve of the upper panel to the sleeve of the lower panel.**

This distinction is very important because it will have a significant impact on what the skilled person can do when attempting to combine the teachings of McLeese and Chin. Specifically, even when the skilled person starts with McLeese and then encounters Chin, this person would not know how to modify McLeese to obtain the claimed structure.

For example, in order to modify McLeese's structure to provide the end edges of the upper panel extending beyond the outer periphery of the base panel (as allegedly taught by Chin), the skilled person would need to (i) change the locations of the pieces (H), and (ii) change the rounded shape of the end edges of the upper panel. However, there is no teaching, suggestion or incentive in either McLeese or Chin to make these modifications. In other words, if the skilled person were to use McLeese as a starting point, why would this skilled person want to modify McLeese's structure to provide the

end edges of the upper panel extending beyond the outer periphery of the base panel, and why would this skilled person want to make the changes (i) and (ii)?

In addition, the disclosure in FIG. 6 in Chin actually teaches away from the claimed invention. FIG. 6 of Chin illustrates the connection between the top panel 14 and a side panel 12. The skilled person will actually find the connection between the bottom panel 16 and a side panel 12 to be more relevant when considering a possible way for connecting the end edges of the sleeve of the upper panel in McLeese to the sleeve of the lower panel. However, FIGS. 1 and 6 in Chin teach that the same connection shown in FIG. 1 is used for connecting the bottom panel 16 and a side panel 12, but this connection reveals that the edges of the side panels 12 extend inside (and not beyond) the periphery of the base or bottom panel 16. This is most clearly shown in FIG. 1 of Chin.

Even if the Examiner insists on using the connection between the top panel 14 and a side panel 12, what is the basis or suggestion in the prior art that supports such an interpretation?

It appears that the Examiner is selecting the various limitations of claim 1 in piecemeal fashion from different prior art references in order to sustain the rejections. However, Applicant respectfully submits that this constitutes impermissible hindsight reconstruction, and fails to consider exactly what the skilled person would be thinking when this person considers the cited references side-by-side.

Finally, Applicant submits that the criticality for using interconnecting fabric pieces to couple the opposite end edges of an upper panel beyond the outer periphery of a base panel is to allow the interior space of the structure to be widened or increased. Although other embodiments in the present application illustrate the opposite end edges of an upper panel coupled within the outer periphery of a base panel, those embodiments do not provide the user with the flexibility to increase the interior space of the structure.

In light of the above, claim 1, and claims 2-3 and 71, are submitted to be allowable over the combination of McLeese and Chin.

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In light of the above, entry of the amendments, and allowance of all pending claims is respectfully solicited.

Respectfully Submitted,



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